



**TOWN OF SHREWSBURY**  
**Richard D. Carney Municipal Office Building**  
**100 Maple Avenue**  
**Shrewsbury, Massachusetts 01545-5338**

**MEMORANDUM**

TO: Shrewsbury Town Meeting Members  
FROM: Kristen D. Las, AICP, Director of Planning and Economic Development  
SUBJECT: Proposed Zoning Amendments, May 2015 ATM  
Articles 15, 16, 17, 18, 19 & 20  
DATE: April 28, 2015

---

The Planning Board held a public hearing on April 2 and will hold a continuance to that hearing on May 7, 2015 to discuss the following zoning article amendments to the Shrewsbury Zoning Bylaw.

**Article 15**

To see if the Town will vote to amend the Zoning By-Law of the Town of Shrewsbury Section VI, Table 1-Use Regulations Table, Footnote 27 by doing the following or taking any action relative thereto:

- 27) Banking Machines, as stand-alone structures; ~~Restaurants or other places serving food via drive through window;~~ and Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays lives nudity for its patrons shall be prohibited within the Commercial Business (CB) and Limited Business (LB) districts identified on the map included in section VII, Subsection M – Lakeway Overlay District, Entitled “LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY”.

*When the Lakeway Overlay District, Section VII.M, of the Zoning By-Law was updated, restaurants with drive through windows were removed as a prohibited use in the overlay district. Omitting restaurants with drive through windows from footnote 27 creates consistency within the Zoning By-Law and is therefore an administrative change.*

**Article 16**

To see if the Town will vote to amend the Zoning By-Law of the Town of Shrewsbury Section VII.K.3 – Inclusionary Housing Definitions to modify terms as follows:

Local Initiative Program: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to ~~760 CMR 45.00~~ 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing.

Subsidized Housing Inventory: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in ~~760 CMR 31.04~~ 760 CMR 56.00.

*These proposed amendments are merely administrative in nature, reflecting the updated applicable regulations from the Massachusetts Department of Housing and Community Development.*

### **Article 17**

To see if the Town will vote to amend the Zoning By-Law of the Town of Shrewsbury Section VII.M.9.f.2 – Development Regulations for the Lakeway Overlay District as follows:

#### **2. For mixed-use developments that receive a special permit conditions of the decision shall be:**

- (a) An affordable housing use restriction or regulatory agreement approved by the DHCD Local Initiative Program (~~760 CMR 45.00~~) (760 CMR 56.00) shall be recorded at the Registry of Deeds.
- (b) Applicant shall provide evidence acceptable to the town that the unit(s) has/have been approved by the DHCD Local Initiative Program (~~760 CMR 45.00~~) (760 CMR 56.00) for listing on the Chapter 40B Subsidized Housing Inventory.

*These proposed amendments are also administrative in nature, reflecting the updated applicable regulations from the Massachusetts Department of Housing and Community Development.*

### **Article 18**

To see if the Town will vote to amend the Zoning By-Law of the Town of Shrewsbury Section VII.F.3 – Site Plan Approval by the Planning Board as follows:

#### **3. For Site Plan Approval by the Planning Board:**

- a. All Multi-family developments/buildings; any drive-up window; any outdoor display area; or any non-residential use which requires twenty (20) or more parking spaces in accordance with Section VII.D; or if the proposed development contains buildings/structures with gross floor areas exceeding twenty thousand (20,000) square feet; or the expansion of existing structures and uses exceeding in total (old and new) twenty (20) parking spaces or twenty-thousand (20,000) square feet of floor area. A Large-Scale Ground-Mounted Solar Photovoltaic Installation is subject to Site Plan Review in accordance with ~~Section VI.F.3~~ Section VII.F.3 and Section VII.R.

*Bringing outdoor display areas within the purview of the Planning Board via Site Plan Approval negates the need for developers to seek a variance from the Zoning Board of Appeals. The*

*alteration of the section referenced is an administrative change as Section VI.F.3 of the Zoning By-Law does not exist. Section VII.F.3 is the section of the Zoning By-Law that deals with Site Plan Review.*

### **Article 19**

To see if the Town will vote to amend the Zoning By-Law of the Town of Shrewsbury Section VII.F.3.f.2 – Site Plan requirements section by including:

#### **f. Contents:**

- 2) Plans shall be prepared at a scale of 1"=40' or such other scale that is accepted by the Planning Board and shows details clearly and adequately.

*This change is being sought due to a high volume of waivers being requested to submit plans with a scale other than 1"=40'. Often, a 1"=40' scale is not an appropriate scale for clearly showing details, depending on the nature of the submittal.*

### **Article 20**

To see if the Town will vote to amend the Zoning By-Law of the Town of Shrewsbury Section VII, Table 2-Dimensional Table, Footnote 6 by doing the following or taking any action relative thereto:

- 6) The first twenty (20) feet of the required front yard shall contain plant materials, in various patterns, designed to provide a continuous landscaped edge to the property in question, except for points of entry and exit. Said landscaping shall be in accordance with section VII.D.2.d.(1). If no public sidewalk exists across the entire frontage of the lot, a paved sidewalk of at least 4 feet in width shall be provided at the discretion of the Planning Board through Site Plan Approval within the 20-foot landscaped area or the public right-of-way, and as much as possible said sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties.

*On certain parcels located in the Commercial-Business District, mandating sidewalks in the landscaped area is not feasible nor is it proper from a pedestrian safety standpoint. Changing the footnote to allow the Planning Board to decide, via Site Plan review, on the appropriateness of a sidewalk being provided in the public right-of-way accomplishes the goal of creating a continuous pedestrian walkway only in those areas that it makes sense. It also means that in such a situation, the applicant does not need to file for a variance from the Board of Appeals.*

Please also note, that not directly requested by the Planning Board, the following subdivisions may request road acceptance. These requests have been anticipated by the Planning Department and Engineering Department as the developers have been submitting as-built and layout and acceptance plans for the Town to review.

### **Article 12**

To hear and act upon the report of the Board of Selectmen in laying out and making public the following streets, in whole or in part, as shown on plans filed in the office of the Town Clerk, and authorize the Selectmen to acquire by eminent domain an easement therein for all the purposes of a Town way and all necessary easements.

<b>STREET</b>	<b>SUBDIVISION</b>
Appaloosa Drive	Farmview Estates
Shetland Way	Farmview Estates
Thoroughbred Way	Farmview Estates
Grove Meadow Lane	Grove Meadow Farm
Ashwood Circle	Rawson Hill Estates III
Balsam Circle	Rawson Hill Estates III
Hemlock Circle	Rawson Hill Estates III

*These streets or portions of streets have been constructed to Town standards and are ready for acceptance as public ways. Note that this list may be modified should any last minute issues develop on any of the streets.*

If you have any questions regarding these articles, I will be at the Special Town Meeting and am also available at the Town Hall during the week generally from 8:00AM to 4:30PM in the Planning Department.